MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES September 27, 2016

Trustees Present:

Bernard L. Jones, Sr., Chair

Susanne Brogan, representing Treasurer Nancy Kopp

Michael Calkins

Catherine Cosgrove

James Eichhorst, representing Secretary Joseph Bartenfelder, Maryland Department of

Agriculture

Jerome Klasmeier, representing Comptroller Peter Franchot

Tom Mason

Donald Moore

Ralph Robertson

Dan Rosen, representing Secretary Wendi Peters, Maryland Department of Planning

Milly Welsh

Trustees Absent:

William Allen

Others Present:

Jon Azrael, Baltimore County Landowner

Deborah Bowers, Carroll County Program Administrator

Michelle Cable, MALPF Administrator

Debbie Herr Cornwell, Caroline County Program Administrator

Tom Croghan, Anne Arundel County Landowner

Ann Davis, Carroll County Landowner

Tamekia Dent, MALPF Office Secretary

Kelly Dudeck, Grow and Fortify

Nancy Russell-Forrester, Assistant Attorney General, Department of General Services

William Gorski, Anne Arundel County, Planner

Justin Hayes, Assistant Attorney General, Department of Agriculture

Myra Knowlton, Baltimore County Landowner

Steve O'Connor, Cecil County Program Administrator

Patricia Pittman, Anne Arundel County Landowner

Rebecca Powel, Carroll County Landowner

William Powel, Carroll County Landowner

Ed Reilly, Anne Arundel County State Senator

Donna Sasscer, Saint Mary's County Program Administrator

Donna Landis-Smith, Queen Anne's County Program Administrator

Matt Teffeau, Maryland Department of Agriculture

Chana Turner, MALPF Administrator

Carol West, MALPF Executive Director

Amanda Wilson, Fiscal Specialist

Diane Chasse, MALPF Administrator

Others Present By Web Conferencing:

Bonnie Bevard, Carroll County Staff

Chris Boggs, Washington County Assistant Program Administrator

Anne Bradley, Frederick County Program Administrator

Carmela Iacovelli, Baltimore County Staff

Wally Lippincott, Baltimore County Program Administrator

Eric Seifarth, Washington County Program Administrator Ethan Strickler, Frederick County Staff Katrina Tucker, Kent County Program Administrator

Bernard L. Jones, Sr., Chair, called the meeting to order at 9:05 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from August 23, 2016.

Motion #1:

To approve minutes from August 23, 2016.

Motion:

Susanne Brogan

Second: Daniel Rosen

Status:

Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. West informed the Board that the Uses Committee would be meeting at 1:00 p.m. The Uses Committee is composed of Board members: Mike Calkins, Chair, Dan Rosen and Bill Allen; County Program Administrators: Wally Lippincott, Eric Seifarth, Steve O'Connor and Debbie Herr Cornwell. All other Board members and Program Administrators are welcome to attend the meeting and offer comments.

IV. EASEMENT AMENDMENTS

A. BALTIMORE COUNTY

1. 03-90-06

Zastaria, LLC

~122 acres

(members are Mr. Stanislaw Maliszewski and Ms. Julia Jitkoff)

Request - Baltimore County:

Request to enter into an amended and restated easement using the current MALPF easement form.

Recommendation:

Staff recommends approval.

Ms. Cable introduced the item. Mr. Lippincott was available for questions or comments. Mr. Azrael was present to address the Board. Mr. Azrael requested the Board to consider amending Article III.M.4. of the easement to place more limitations on the size and frequency of permitted no trespassing signs. The Board informed Mr. Azrael that it is the Foundation's practice to adhere to the standard easement language and not have unique terms and restrictions for individual easements. Therefore, the Board did not approve either the landowner's or Mr. Azrael's request to revise the language in Article III.M.4.

Motion #2:

To approve the request to amend and restate the easement

using the current MALPF easement form, with no modification to

the standard easement form language.

Motion:

Don Moore

Second: Michael Calkins

Status:

Approved

B. ANNE ARUNDEL COUNTY

1. 02-86-02B

Perry Farm, LLC

~80 acres

Request – Anne Arundel County:

Request retroactive approval for a ~0.5 acre Forest Conservation Easement required by Anne Arundel County during the creation of the approved child lots.

Recommendation:

Staff recommends approval, subject to the requirements of COMAR 15.15.13. - Guidelines for Forest Easement Overlays.

Ms. Cable introduced the item. Mr. Gorski was present for questions or comments.

Motion #3:

To retroactively approve the request for a 0.5 acre Forest Conservation Easement required by Anne Arundel County during the creation of the approved child lots as presented, with the requirement to amend the Forest Conservation Easement to include the MALPF acknowledgement language.

Motion:

Michael Calkins

Second: Milly Welsh

Status:

Approved

2. 02-91-02s1 Dodon Land Trust

~214 acres

Request – Anne Arundel County:

Request approval to construct a 1,600 square foot expansion to the existing winery building, supporting their operation on the easement property.

Recommendation:

Staff recommends approval.

Ms. Cable introduced the item. Mr. Gorski, Ms. Pittman, and Mr. Croghan were present for questions or comments. Ms. Pittman and Mr. Croghan addressed the Board regarding the larger matter of permitted uses and activities on their easement property. Ms. Pittman and Mr. Croghan referenced the language in the deed of easement that encumbers their property and questioned whether or not they actually need any Foundation approval for the activities and structures associated with the winery.

The Board informed Ms. Pittman and Mr. Croghan that the Foundation had adopted policies regarding uses of MALPF easement properties, which included wineries, a number of years ago. The Board had recently established a committee to do a comprehensive review and update of the uses policy, and appreciated Ms. Pittman's and Mr. Croghan's input and that the committee would take it into consideration.

Motion #4:

To approve the request to construct a 1,600 square foot expansion to the existing winery building, supporting their

operation on the easement property.

Motion:

Susanne Brogan

Second: Michael Calkins

Status:

Approved

C. CARROLL COUNTY

1) 06-79-07esSUB#3 Powel, William and Rebecca

~202 acres

Request- Carroll County

Request approval for child lot.

Recommendation

Staff recommends approval for the exclusion of up to 2.0 acres for a child lot for Anne Powel Davis, contingent upon all landowners under the easement signing a letter consenting to the exclusion, or to corrective easements being prepared and recorded in the land records of Carroll County.

Ms. Turner introduced the item. Ms. Bowers and Mr. Powel were available for questions or comments.

Motion #5;

To approve the request for the exclusion of up to 2.0 acres for a child lot for Anne Powel Davis. Approval does not include the contingency that other landowners under the easement sign a letter consenting to the exclusion or to corrective easements being prepared and recorded in the land records of Carroll County.

Motion:

Ralph Robertson

Second: Milly Welsh

Status:

Approved

V. EASEMENT PETITIONS

A. QUEEN ANNE'S COUNTY

1. 17-17-01 Appenzeller, Edward Jr.

102.204 acres

Request is to approve the application withholding 1.2 acres from the easement with 0 development rights associated. Withheld acreage is for commercial activities and a green house.

Motion #6:

To approve the request as presented.

Motion:

Susanne Brogan

Second: Catherine Cosgrove

Status:

Approved

B. WASHINGTON COUNTY

1. 21-17-10

Weddle, Jeremiah, Jannelle, James & Bonnie

339.65 acres

Request is to approve the application withholding 20 acres from the easement with 0 development rights associated. Withheld acreage is for property already encumbered with a permanent CREP easement.

Motion #7:

To approve the request as presented.

Motion:

Michael Calkins

Second: Catherine Cosgrove

Status:

Approved

C. CECIL COUNTY

1. 07-17-06

Mackie, et al

166.29 acres

Request is to approve the application withholding 4 acres from the easement with 2 development rights associated and approving the eligibility of the application based on the extra ordinary productivity of the soils of the property (over 90%).

qualifying soils) given it is located in a planned water and sewer service area. Withheld acreage is for the ability to create two future residential lots

2. 07-17-07

Quiet Acres Farm

238.82 acres

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a future residential lot.

Motion #8:

To approve the requests as presented.

Motion:

Michael Calkins

Second: Catherine Cosgrove

Status:

Approved

D. CHARLES COUNTY

1. 08-17-03

Blake, Paco & Linda

61.987 acres

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a future residential lot.

2. 08-17-05

Bowling, Gilbert O.

100.00 acres

Request is to approve the application withholding 25 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide 25 acres along with an existing house to transfer to a son.

3. 08-17-08

Fortune's Retreat, LLC

155.8 acres

Request is to approve the application withholding 0.2 acres from the easement with 0 development rights associated. Withheld acreage is for a permitted use envelope for a cell phone tower with access.

4. 08-17-09

Garner, Harold Brent, Jr.

215.621 acres

Request is to approve the application withholding 10 acres from the easement with 5 development rights associated. Withheld acreage is creation of 3 lots in 3 locations. The western most 2-acre lot located near the water will be a non-subdividable building envelope to be the primary dwelling for the farm.

5. 08-17-11

Hancock, Douglass & Mary

69.0 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is located on the other side of a public road and therefore does not require a declaration of restrictions, as it is a separate parcel of record per Charles County Code.

6. 08-17-20

Mt. Tirzah Family Ltd. Partnership

248.0 acres

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to create 2 1-acre non-subdividable building envelopes as part of the easement.

7. 08-17-22

Murray, Patrick & Barbara, Trustees

92.0 acres

Request is to approve the application withholding 3 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide a lot around an existing dwelling that has already been delineated.

8. 08-17-20

Potomac Preservation, Inc.

246.27 acres

Request is to approve the application withholding 25 acres from the easement with 8 development right associated. Withheld acreage is for the ability to create 6 residential lots, with the condition that any forest conservation easement acreage required when establishing the lots must be located on the withheld

acreage, not on the MALPF easement area. The property has an approved 66-lot major subdivision plan, which the owners are relinquishing in exchange for the minor 6-lot subdivision proposed. The concept plan for the lots was prepared prior to application.

Motion #9:

To approve the requests as presented.

Motion:

Catherine Cosgrove

Second: Michael Calkins

Status:

Approved

E. SOMERSET COUNTY

1. 19-17-02 Butler, George, et al.

84.15 acres

Request is to approve the application withholding 84.20 acres from the easement with 0 development rights associated. Withheld acreage is not tilled.

Motion #10:

To approve the request as presented.

Motion:

Jerry Klasmeier

Second: Milly Welsh

Status:

Approved

F. WORCESTER COUNTY

1. 23-17-01

Jones, Richard

322.32 acres

Request is to approve the application withholding 1.34 acres from the easement with 0 development rights associated. Withheld acreage is a small area located on the other side of the road that is not a part of the farm operation.

2. 23-17-07

Porter Mill Properties, LLC

178.22 acres

Request is to approve the application withholding .43 acres from the easement with 0 development rights associated. Withheld acreage is for an existing cell tower and access. Staff recommends the area be called a Permitted Use Envelope.

Motion #11:

To approve the requests as presented.

Motion:

Milly Welsh

Second: Catherine Cosgrove

Status: Approved

G. HARFORD COUNTY

1.

12-17-02

Whiteford Packing Co., Inc.

388.269 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for a non-subdividable residence.

2. 12-17-03

Millbrook Fields, LLC

311.089 acres

Request is to approve the application withholding 3 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create 3 non-subdividable residences.

3. 12-17-06

Rigdon, Mary

195.39 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for the ability to create a non-subdividable residence.

Motion #12:

To approve the requests as presented.

Motion:

Michael Calkins

Second: Milly Welsh

Status:

Approved

H. ST. MARY'S COUNTY

1. 18-17-06 Dean, Leon and Dianna

38.8942 acres

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the ability to exclude two dwellings.

The Board discussed whether to include the triangle that is along the road. The Board also discussed whether to consider this application contingent to the #18-17-07.

Ms. Cosgrove, who visited the properties, gave her opinion that both properties are viable for agricultural use.

Motion #13:

To approve withholding 2.0 acres from the easement and keeping the triangle section of the property along the road with the easement. The application is not contingent upon adjoining land being placed under easement. The withheld acreage is also approved.

Motion:

Catherine Cosgrove

Second: Susanne Brogan

Opposed: Status:

Milly Welsh, Ralph Robertson Approved

2. 18-17-07 Dean, Leon and Dianna

21.71 acres

Request is to approve the application withholding 2 acres from the easement with 2 development rights associated. Withheld acreage is for the exclusion of two dwellings.

Motion #14:

To reject the application as it does not meet the size

requirement.

Motion: Opposed: Milly Welsh

Second: Ralph Robertson

Michael Calkins, Jerry Klasmeier, Catherine Cosgrove,

Susanne Brogan, Dan Rosen

Status:

Failed

Motion #15:

To approve the application as requested. The application is not

contingent upon adjoining land being placed under easement.

Motion:

Susanne Brogan

Second: Jim Eichhorst

Tom Mason, Milly Welsh, Ralph Robertson, Don Moore

Opposed: Status:

Approved

3. 18-17-11 Grube, James and O'brien, Jane

98.5 acres

Request is to approve the application withholding 40 acres from the easement with 2 development rights associated. Withheld acreage is for the exclusion of 2 dwellings and a future winery.

18-17-13 4.

Guy, Ray, Roy and Sherri

95 acres

Request is to approve the application withholding 1 acre from the easement with 1 development right associated. Withheld acreage is for the ability to create a non-subdividable residence.

5. 18-17-16 Lyon, William and Rose Marie

71.68 acres

Request is to approve the application withholding 5 acres from the easement with 1 development right associated. Withheld acreage is for estate planning. There is no requirement for the five (5) acres to be non-subdividable.

6. 18-17-18 Penerene, Inc., Bernard Bailey

67.93 acres

Request is to approve the application withholding 5 acres from the easement with

1 development right associated. Withheld acreage is for the ability to create a future residence.

7. 18-17-23 Seventh District Optimist Youth Foundation

5.91 acres

Request is to approve the application withholding 8.25 acres from the easement with 1 development right associated. Withheld acreage is for an existing private park.

18-17-26 8.

Snow Hill Manor Reserve, LLC Martin Haskell

211.008 acres

Request is to approve the application withholding 10 acres from the easement with 3 development rights associated. Withheld acreage is for estate planning.

Motion #16:

To approve requests #3 through #8 as presented. This approval recognizes that for item #5 there is no requirement for the five (5) acres to be non-subdividable.

Catherine Cosgrove

Second: Michael Calkins

Motion: Status:

Approved

WITHDRAWN

CAROLINE COUNTY

1. 05-17-08 Brown, Michael and Charlotte

219.34 acres

Request is to approve the application withholding 4 acres from the easement with 3 development rights associated. Withheld acreage is for the ability to create future building lots.

Motion #17:

To approve the request as presented.

Motion:

Michael Calkins

Second: Catherine Cosgrove

Status:

Approved

K. CARROLL COUNTY

1. 06-17-01 Groves Mill LLC

151.304 acres

Request is to approve the application withholding 3.441 acres from the easement with 1 development right associated. Withheld acreage is for the ability to create a lot around an existing dwelling. Deborah Bowers raised the question as to why the 6-acre parcel included in the application was excluded. Staff explained that the 6-acre parcel is non-contiguous as it is separated from the other two parcels by a private driveway. Staff recommended that an approval of the 6-acre parcel to include: 1) the parcels be joined together under one tax parcel; 2) that there be an agreement in writing made with the neighboring landowner to cross the driveway; and 3) that the 6-acre parcel cannot be subdivided.

Motion #18:

To approve the request as presented. The Board voted to NOT accept the exclusion of a 6-acre parcel that is described within the same deed. The 6-acre parcel is to be considered as part of the farm and an offer to purchase an easement will include language that the 6-acre parcel can never be subdivided from the remainder of the farm.

Motion: Status:

Ralph Robertson

Opposed:

Susanne Brogan

Approved

2. 06-17-04 Dell, Gary M. and Crystal A.

162,546 acres

Second: Catherine Cosgrove

Request is to approve the application withholding 2 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide

an existing dwelling.

Motion #19:

To approve the request as presented.

Motion: Status: Susanne Brogan Approved Second: Michael Calkins

L. TALBOT COUNTY

1. 20-17-05

Fisher, Dave and LuAnn

147.37 acres

Request is to approve the application withholding 3 acres from the easement with 1 development right associated. Withheld acreage is for the ability to subdivide an existing dwelling.

Motion #20:

To approve the request as presented.

Motion:

Michael Calkins

Second: Don Moore

Status:

Approved

VI. PROGRAM POLICY

A. CARROLL COUNTY

 Request by Carroll County Program Administrator to address the Board regarding COMAR 15.15.01.17 F. Granting Easements and Rights-of-Way.

This item is postponed to the October 25, 2016 Board meeting.

VII. INFORMATION AND DISCUSSION

A. News Articles

VIII. CLOSED SESSION

In the interest of time, the closed session is postponed to the October 25, 2016 Board meeting.

Motion #21:

To adjourn the regular session meeting.

Motion:

James Eichhorst

Second: Michael Calkins

Status:

Approved

The Open Board Meeting was adjourned at approximately 12:07 p.m.

Respectfully Submitted:

Carol S. West, MALPF Executive Director